
IN THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

RYAN DILLON-CAPPS

Plaintiff-Appellant,

vs.

OHANA GROWTH PARTNERS, LLC *et al*

Defendants-Appellees.

No. **25-1162**

On Appeal from the U.S. District
Court
Northern District of Maryland
No. 1:24-CV-3744

AFFIDAVIT OF RYAN DILLON-CAPPS IN SUPPORT OF CLARIFICATION

I, **Ryan Dillon-Capps (née Wagner)**, the **Appellant**, being over the age of eighteen (18), competent to testify, and having personal knowledge of the facts contained herein, declare under penalty of perjury pursuant to **28 U.S.C. § 1746** that the following is true and correct.

I am fully aware that when first presented with my case confusion and doubt are the two most likely responses from a Judge. This is self-evident in the District Court rulings which lack factual accuracy and misrepresent my case, and I am struggling to differentiate this to the Fourth Circuit Court of Appeals so that the criminal conduct that occurred in the Circuit Court of Baltimore County is not seen as exaggeration and erroneously equated to the federal court's proceedings.

I find it difficult to understand how both this Court and the District Court have determined that an undisputed violation of FMLA rights does not meet the standard for a likelihood of success on the merits. As a pro se litigant pursuing

multiple complex claims, it appears more likely that these rulings reflect a concern that I have overstated aspects of my case, and the severity and complexity of the harm has likely contributed to this.

In not for the financial harm that I have suffered, I would have been able to obtain my own legal representation, and any procedural defects would have been remedied before filing. I have requested court appointed counsel in the District and Circuit courts because I want the case to be properly presented, litigated, and adjudicated.

Similarly, I have tried to obtain relief to seek treatment, and in doing so would also have additional experts able to provide the court with additional evidence, affidavits, and testimony to address any concerns that the court may have about my wife, or I am overstating aspects of my harm.

If I understand the applicable law correctly, I am at the mercy of the Court because I am not entitled to a clarification, and if I am correct that the federal courts have concluded that I am overstating, exaggerating, or outright fabricating claims then I am only left with a sincere plea for judicial mercy. I want to do things correctly and any defect in my filings is technical or accidental, but any defect does not change the objective truth.

I successfully defended myself in the state court, my claims were remanded to federal court, and my employer's FMLA violations are not disputed.

One of the defenses that I won in the state court with was the Unclean Hands Doctrine, the Unclean Hands Doctrine is also one of the reasons why the case lacked subject matter jurisdiction, and without jurisdiction the Judges do not have judicial immunity.

My claims were remanded by an associate judge for the Circuit Court of Baltimore County, I filed my remanded claims to the United States District Court for the District of Maryland, and the State of Maryland can not raise the defense of sovereign immunity because they remanded my claims to federal court.

I am the owner and founder of MTX3, LLC, my company was preparing to launch microservices leveraging AI in 2024, and my company lost access to investors and was unable to launch the microservices because of predicated acts under RICO.

None of this is new information, from the onset of the District Court proceedings some of the evidence was not accepted, without a ruling being filed on the rejection the clerk notified me the evidence was rejected by the Judge. Then the District Court denied evidentiary hearings to receive other highly sensitive evidence with accompanying testimony under seal.

The District Court only dismissed some of the claims and defendants, granted my in-forma paupers' status, and docketed my proposed summons and U.S. Marshall personal service forms. No summons was ever issued.

My appeal comes before the United States Court of Appeals for the Fourth Circuit with the District Court not dismissing the defendants or claims that remain uncontested. However, when asked to restore the status quo, the court ruled that there was no likelihood of success on the merits—a conclusion that this Court has now mirrored.

In the same ruling that denied the Temporary Restraining Order (TRO) and refused to restore the status quo, the District Court also denied the Preliminary Injunction and declined to hold a hearing on the uncontested claims.

These are reversible errors, but they differ significantly from the criminal conduct and legal violations at the core of this case. The District Court didn't take pages of what I filed, omit select pages of what was filed, and combine them with other pages to fabricate a court record. However, that is precisely what occurred in the state court proceedings.

Since I lack the authority to bring criminal charges against those responsible for fabricating court records, my only legal recourse is through civil claims for constitutional and statutory violations. From a civil litigation standpoint, the District Court and State Court actions fall under the civil rights violation umbrella, as they involve due process concerns and affect my fundamental rights. It does not surprise me that the federal courts would conclude that a Pro Se litigant has exaggerated or overstated their claims because I imagine that many pro se litigants

have tried to equate their reversible error as a civil violation. However, I am not rushing to file a new lawsuit against the Honorable Judge Hurson because there is no comparison between actual crimes and judicial errors.

This situation would be vastly different if the oversight agencies I contacted had conducted an impartial review rather than meeting with those involved in these criminal acts and agree to aid them in a coverup. Despite having evidence identifying who met, when they met, and their coordinated actions and language following the meeting, this has not been sufficient to prevent the District Court from dismissing claims against the oversight officials for both their participation in and failure to prevent the conspiracy to violate my civil rights.

I requested that the District Court appoint a Special Master to conduct an independent investigation, ensuring that I would not be directly involved in the process and thereby eliminating any potential conflict of interest. However, the District Court misinterpreted this request, equating it to a pro se litigant attempting to take control of the state court system.

My intention was not to assume control but to provide the Special Master with key evidence, including digital forensic information, that could aid the investigation. The same highly sensitive information could be used against the investigation, and it is my belief that I am only the first person with the prerequisite background to catch them red-handed not the only person who has

experienced a similar event in Maryland. This belief is supported by other cases where the underlying evidence strongly supports a conclusion that this is how the individuals involved deal with their judicial electoral rivals and others.

Thus far, every agency I have contacted and provided with facts and evidence related to the crimes under their jurisdiction has been receptive. When necessary, I have also facilitated connections between investigators and relevant parties who could assist in their inquiries.

The key distinction between my experience with law enforcement agencies and the judicial system appears to be that investigative agencies focus solely on the facts and evidence relevant to the alleged crimes, whereas the courts require that facts and evidence be pleaded in a specific manner to satisfy legal standards. This procedural distinction may explain the stark difference in receptiveness between the two.

I seek redress from the courts only for the claims that I have a legal basis to pursue, while I continue to cooperate with other agencies conducting their own investigations into the criminal aspects of this matter.

Please help me understand what I need to address because I would like to understand the specific defect associated with uncontested claims that are supported by affidavits and evidence, particularly when the record contains

employer admissions stating that they will not suffer harm, while the evidence demonstrates the severe and irreparable ongoing harm that I am experiencing.

DECLARATION OF AFFIRMATION

I solemnly declare and affirm under penalty of perjury, based on my personal knowledge, that the contents of the foregoing affidavit and all accompanying exhibits are true and correct to the best of my knowledge.

March 18, 2025

/s/ Ryan Dillon-Capps
Ryan Dillon-Capps

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